

1 WHEREAS, on November 17, 2008, Defendant Ying Wu ("Defendant Wu") filed his
2 Motion to Dismiss Plaintiffs' Second Amended Complaint Pursuant to Fed. R. Civ. P.
3 12(b)(5) and 4(m) ("motion");

4 WHEREAS, the motion is presently set for hearing before this Court on January 23,
5 2009;

6 WHEREAS, based on this hearing date, Plaintiff's opposition to the motion is due
7 January 2, 2009, and Defendants reply is due January 9, 2009;

8 WHEREAS, due to a scheduling conflict, Plaintiff seeks to continue the hearing until
9 February 6, 2009, with the briefing schedule moved in accordance with the new hearing date;

10 WHEREAS, counsel for Plaintiff and Defendants have met and conferred and have
11 agreed to the briefing schedule set forth below;

12 NOW THEREFORE, the parties respectfully request, for good cause shown, that the
13 Court agree to the following briefing and hearing schedule for the motion:

- 14 (a) Plaintiff's opposition to Defendant Wu's motion to dismiss is due on January
15 9, 2009;
- 16 (b) Defendants' reply is due on January 23, 2009; and
- 17 (c) The hearing on Defendant Wu's motion to dismiss shall be set for February 6,
18 2009.

19
20 Dated: December 23, 2008

FINKELSTEIN THOMPSON LLP

21 By: /s/ Mark Punzalan

22 Mark Punzalan

23 *Counsel for Plaintiffs*

24 Dated: December 23, 2008

WILSON SONSINI GOODRICH & ROSATI

25 By: /s/ Bryan J. Ketroser

26 Bryan J. Ketroser

27 *Attorneys for Defendants*

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JOINT STIPULATION AND [PROPOSED] ORDER
REGARDING DEFENDANT YING WU'S MOTION TO DISMISS

3:07-CV-04578-SI

[PROPOSED] ORDER

IT IS HEREBY ORDERED THAT:

1. Plaintiff's opposition to Defendant Wu's motion to dismiss is due on January 9, 2009;
2. Defendants' reply is due on January 23, 2009; and
3. The hearing on Defendant Wu's motion to dismiss shall be set for February 6, 2009.

IT IS SO ORDERED.

Date: _____



The Honorable Susan Illston
United States District Court Judge

1 I, Mark Punzalan, am the ECF User whose identification and password are being
2 used to file the Joint Stipulation and [Proposed] Order Regarding Defendant Ying Yu's
3 Motion to Dismiss Plaintiffs' Second Amended Complaint Pursuant to Fed. R. CIV. P. 12(b)
4 and 4(m). I hereby attest that Bryan J. Ketrosier have concurred in this filing.

5 Dated: December 23, 2008

FINKELSTEIN THOMPSON LLP

7 By: /s/ Mark Punzalan
8 Mark Punzalan

9 Attorneys for Plaintiff